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RICHARD W. WIEKING  
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 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE

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RICHARD W. WIEKING  
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 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

Waco Investments, LLC, and John  
 Hartford, individually and on behalf of all  
 similarly situated persons subject to  
 administrative proceedings brought  
 pursuant to Santa Cruz County  
 Code §§ 1.12.070 and 19.01.080,

Plaintiffs  
 and Petitioners,

vs.

County of Santa Cruz, and Does 1-20,

Defendants and  
 Respondents.

Case Number: C05-04378 JF

STIPULATION OF DISMISSAL OF  
 FEDERAL CAUSE OF ACTION AND  
 REMAND TO STATE COURT; ORDER  
 [F.R.Civ.P. 41(a)(1)]

IT IS HEREBY STIPULATED by and between the parties to this action, through their  
 designated counsel, that plaintiffs' fourth cause of action for civil rights violations pursuant to 42 U.S.C.

§ 1983, which is plaintiffs' sole federal cause of action, be dismissed from this action. The fourth cause of action for civil rights violations is hereby dismissed with prejudice. The dismissal of the fourth cause of action with prejudice shall not affect, impair and/or diminish plaintiffs' remaining claims or causes of action or act as res judicata and/or collateral estoppel as to plaintiffs' remaining claims or causes of action.

The parties, through their respective counsel, also stipulate that based on the dismissal of the sole federal cause of action, this entire action can be remanded back to the Santa Cruz County Superior Court for all further proceedings.

Dated: 11/16/05

JOHNSON & JAMES LLP

By: 

ROBERT K. JOHNSON

Attorneys for Plaintiffs WACO INVESTMENTS, LLC.  
et al.

Dated: 11/21/05

DANA McRAE, COUNTY COUNSEL

By: 

JULIA HILL

Assistant County Counsel

Attorneys for Defendant COUNTY OF SANTA CRUZ

### ORDER

Based on the foregoing stipulated dismissal, it is hereby ordered that the forth cause of action for federal civil rights violations pursuant to 42 U.S.C. § 1983 is dismissed by Plaintiffs with prejudice. It is also ordered that this action is remanded back to the Santa Cruz County Superior Court for all further proceedings since no remaining issues of federal question exist in this case.

Dated: 11-28-05

  
HONORABLE JEREMY FOGEL  
UNITED STATES DISTRICT JUDGE

**PROOF OF SERVICE**

I, the undersigned, state that I am a citizen of the United States and employed in the County of Santa Cruz, State of California. I am over the age of 18 years and not a party to the within action. My business address is 701 Ocean Street, Room 505, Santa Cruz, California 95060. On the date set out below, I served a true copy of the following on the person(s)/entity(ies) listed below:

**STIPULATION OF DISMISSAL OF FEDERAL CAUSE OF ACTION AND  
REMAND TO STATE COURT; ORDER [F.R.Civ.P. 41(a)(1)]**

☐ by service by mail by placing said copy enclosed in a sealed envelope and depositing the sealed envelope with the United States Postal Service with the postage fully prepaid.

☒ by service by mail by placing said copy enclosed in a sealed envelope and placing the envelope for collection and mailing on the date and at the place shown below following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service with postage fully prepaid.

**Robert K. Johnson, Esq.  
Johnson & James  
311 Bonita Drive  
Aptos, CA 95003**

**John J. Hartford, Esq.  
Post Office Box 1207  
Redwood City, CA 94064-1207**

I declare under penalty of perjury that the foregoing is true and correct. Executed November 22, 2005, at Santa Cruz, California.

  
DOUGLAS D. COLLINS

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